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On Plato's *Apology of Socrates* and *Crito*

I

The *Apology of Socrates* is the only Platonic work with Socrates in the title. Yet Socrates is visibly or invisibly the chief character in all Platonic dialogues: all Platonic dialogues are "apologies" of or for Socrates. But the *Apology of Socrates* is the portal through which we enter the Platonic kosmos: it gives an account of Socrates' whole life, of his whole way of life, to the largest multitude, to the authoritative multitude, to the city of Athens before which he was accused of a capital crime; it is *the* dialogue of Socrates with the city of Athens (cf. 37a4–7).

In the prooemium Socrates contrasts the manner in which he will speak with the manner of his accusers: the accusers spoke most persuasively and at the same time as untruthfully as possible; he on the other hand will say the whole truth, for the virtue of the speaker consists in saying the truth while the virtue of the judge or juryman consists in concentrating on whether what the speaker says is just. For the speaker will not merely state the facts—what he did—but also that they were innocent—that what he did was justly done. It is because Socrates trusts in the justice of what he has done that he will say the whole truth.

Socrates characterizes the manner of his speaking as artless: he who says the whole truth and nothing but the truth, he who has nothing to conceal, does not need any art; Socrates' speech will be altogether transparent. His accusers who had spoken most persuasively, had spoken artfully (*technikos*). One wonders whether the virtue of the speaker does not also consist in speaking persuasively. Must he not say the truth in an orderly and lucid

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fashion? Must he not arrange his argument properly and choose his words with some care? In brief, must he not speak artfully? Socrates' accusers had said that he is a clever speaker, and it was generally believed that he was a most artful speaker—that he could render the weaker speech the stronger (18b8–c1). It was therefore imperative that he should state right at the beginning that he will not speak artfully. He suggests that his inexperience in forensic diction prevents him from speaking properly before the court: he cannot speak artfully. But he also says that it would not be becoming for a man of his age to come before the court like a youth with fabricated speeches, *i.e.*, with lies; he does not say that he could not do this if he wished to: he can speak artfully.

Socrates shows how persuasive and artful his accusers are by sketching the background of the accusation. For this purpose he makes a distinction between the first untrue charges and the first accusers on the one hand, and the later charges and the later accusers on the other. The first accusers are more dangerous than the later ones, *i.e.*, than those who have formally indicted him, because they have persuaded the majority of the jurymen or of the Athenians while all or many of them were still children, because they are many, and because they have accused him for a long time. (The old accusers were in many cases the fathers of the jurymen.) They have accused Socrates untruthfully of being a wise man, a thinker on the things aloft, one who has investigated all things beneath the earth, and one who renders the weaker speech the stronger. Although this charge is untrue, it is not extreme; the first accusers did not accuse Socrates of having investigated all things aloft. Nor did they say that he does not respect, or believe in, gods; that he does not believe in gods was inferred by the listeners (in many cases children) who believed that those who do the things mentioned by the accusers also do not believe in gods. If one or the other comic poet raised the charges mentioned, he did not do it maliciously, and did not believe in them. As for the others, the first accusers proper, they cannot be identified and therefore cross-examined: Socrates can do hardly more than flatly deny their charges. On the other hand, the first accusers cannot defend their charges against Socrates' denials.

Before turning to the refutation of the first accusers, Socrates makes it clear that "you"—the whole jury, all Athenians—are prejudiced against him and thus indicates that his case is well-nigh hopeless. He defends himself against the charge of impiety before a jury that is convinced of his impiety. He would wish that he could liberate the Athenians from their prejudices if this is in any way better both for them and for him: one of the many things he does not know is whether it is not better for the Athenians to keep their prejudice intact.

Socrates restates the slander of the first accusers by framing it as a formal indictment. As a consequence, it becomes more responsible than the slan-

der itself: it does not speak of Socrates' having investigated all things beneath the earth, but of his investigating the things beneath the earth. The formal indictment is as silent as the original slander on Socrates' not worshipping, or not believing in, gods. But Socrates adds now that "Socrates teaches others these very things," namely, the things beneath the earth, the heavenly things, and rendering the weaker speech the stronger: if Socrates did not teach the incriminated things, it would not be known that he had anything to do with them. By making this addition he lays as it were the foundation for the bipartition made in the official accusation (impiety and corrupting the young): the official accusation is derivative from the first accusation.

As we learn from Socrates, the first accusation was familiar to his audience from Aristophanes' *Clouds* in which he was presented as doing many ridiculous things—things of which he understands nothing. He does not despise this kind of knowledge—far from it—but he does not possess it. He does not make it as clear as he easily could have made it whether he regards the knowledge possessed by the Aristophanean Socrates as ridiculous nonsense or as respectable. He is of course completely silent about the fact that Aristophanes had presented him as denying the existence of the gods. Accordingly he asks the jury who are under the spell of an inveterate prejudice to free themselves from that prejudice by trusting the testimony of their senses: they should tell one another whether they have ever heard him conversing about subjects of this kind, for many of them have heard him talk in the market place, at the money changers' tables; yet Socrates also talked "elsewhere" when he was not heard by many of them (cf. 17c7–9). Surely their knowledge of what Socrates conversed about had not hitherto made the slightest dent on their prejudice.

Socrates devotes twice as much time, or space, to the refutation of the charge or the rumor that he is teaching others as to the refutation of the charge that he investigates the things beneath the earth and the heavenly things and that he renders the weaker speech the stronger, and this despite the fact that that rumor is not a general rumor. He proceeds like Xenophon in the *Memorabilia*, who devotes much more space to the refutation of the incredible corruption charge than to the refutation of the more credible corruption charge than to the refutation of the more credible impiety charge. Plato's Socrates discusses the rumor according to which he attempts to educate human beings and charges money for it. Again he flatly denies the truth of what is said about him. But this time he does not ask the jury to tell one another whether they have ever heard (or seen) him attempting to educate human beings while charging money for it; such transactions may be strictly private. He praises what Gorgias, Prodikos and Hippias—alien "sophists"—do or attempt to do, as noble, and he shows why their art aiming at the production of the virtue of the human being as well as of the citizen deserves being praised. He does not mention Protagoras. He casts

some doubt on the possibility of that art: he had not cast any doubt on the possibility of the study of the things aloft and the like.

Socrates' refutation of the charge of the first accusers is so complete, so devastating as to become in a sense unintelligible. He lends words to "one of you" who might perhaps retort and say: if you do nothing more out of the common than the others, how does it happen that you have been slandered in such an extraordinary manner? must there not be some fire where there is so much smoke? The retort is fair and Socrates will try to show to the jury how he has become the butt of this slander. He is aware that by giving his explanation he will appear to be joking to part of the audience; nevertheless he will tell the whole audience the whole truth. He does have some kind of wisdom—that kind which is perhaps human wisdom as distinguished from the superhuman wisdom of the sophists (and of the physiologists). He is aware that by what he is going to say he could appear to be boasting (and thus involuntarily to be joking). For the speech that he will pronounce is not his but will be traced by him to a speaker who is trustworthy to the audience. That speaker is the god in Delphi or, more precisely, Chairephon, who was his comrade from his youth and at the same time (what Socrates could not say of himself) a comrade of the multitude, a sound democrat and therefore trustworthy to the audience. As they know, Chairephon was impetuous and accordingly once, when having come to Delphi, dared to ask the oracle whether anyone is wiser than Socrates. The Pythia replied that no one is wiser. The truth of this story is guaranteed, not by the god, nor by the Pythia, nor even by Chairephon, who is no longer alive, but by Chairephon's brother. The story of the Delphic oracle is new to the audience, just as the story told by Socrates shortly before, regarding Kallias and Euenos (20a2–c1).

Chairephon's question presupposed that he regarded Socrates as wise, as singularly wise, before he consulted the oracle. That wisdom of Socrates had nothing whatever to do with the wisdom which he discovered or acquired as a consequence of the Delphic utterance. It was pre-Delphic. In the light of his post-Delphic wisdom his pre-Delphic wisdom may be sheer madness but it was possessed by him or possessed him. He is completely silent about it in his defense before the jury. He gives a hint as to its character by his reference to the *Clouds*, in which Chairephon is presented as Socrates' companion *par excellence*. But Socrates presents Chairephon as a believer in the Delphic oracle, as pious; his piety strengthens the belief in his revered master's piety. Or could his consulting the oracle have had a non-pious motive? We are not told why he consulted the oracle. His question is not free from ambiguity: is anyone—man or god—wiser than Socrates? The Pythia's answer does not remove this ambiguity.

Socrates understood the god to have said that Socrates is most wise. He naturally believed in the god's veracity, to say nothing of his knowledge, or wisdom. On the other hand he was sure that he, Socrates, was not at all wise.

To solve the riddle he engaged in a certain kind of inquiry. He examined the people thought by him or by others to be wise. In examining them he examined indeed also the god: he tried to refute the oracle. He found out that while the people questioned by him believed that they possessed knowledge, they lacked it, whereas Socrates did and does not believe that he knows anything worthwhile of the most important things. He thus came to see the truth of the oracle: his attempt to refute the god turned into assistance to the god and whole-hearted service to him. Socrates examined the politicians, the poets whose "wisdom" does not appear to be different from that of the prophets and of those who delivered oracles, and the craftsmen. He does not say explicitly that he examined the farmers (perhaps farmers did not claim to be wise—cf. Xenophon, *Oeconomicus* 15), the gentlemen who mind their own business, or the sophists (and physiologists). His examination of the men believed to be wise, and especially of the politicians, aroused very deep hatred of him, and that hatred is at the bottom of the slander to which he has been exposed for a long time. People slanderously call him wise because those present at his examination of the so-called or would-be wise believed that he was wise regarding the most important things regarding which he examines the others. But this is a complete misunderstanding: Socrates is wise only in the sense that he knows that he knows nothing. And this is the meaning of the enigmatic oracle regarding Socrates: human wisdom is of little or no account, but a human being who posseses it, as Socrates does, is most wise. The god shows that he, the god, is truly wise by hinting at the truth about the worth or rather worthlessness of human wisdom and its purely negative content.

The animosity against Socrates was aggravated and acquired an opportunity to vent itself because the young men who accompany him enjoy listening to his examination of human beings and even frequently imitate him. Thereupon those examined by the young are angry at Socrates, not at themselves, and say that Socrates corrupts the young. (In the light of the facts that what was particularly aggravating was what Socrates' young followers did and that they engaged in their irritating pastime in his absence, it is understandable that he does not even know the names of the first accusers, although he knows the names of at least some whom he himself examined; cf. 18c8–d1 with 21c3.) Since this slander is obviously not sufficient, they say that he corrupts the young by doing and teaching the things for which all who philosophize are commonly blamed, namely, "the things aloft and beneath the earth," "not believing in gods" and "rendering the weaker speech the stronger." "Not believing in gods" had previously been presented by Socrates as an inference on the part of those who listen to the first accusers and therefore as even less borne out by evidence than the two other charges. But this he did before speaking of the Delphic oracle. In the meantime he has shown that whatever wisdom he possesses was elicited by the Delphic

oracle, *i.e.*, that there was no pre-Delphic wisdom and hence there is no need any more for distinguishing between *physiologia* and atheism. In other words, he has shown that the primary charge concerns his corruption of the young and that the other three charges are pure inventions thought out in order to give some plausibility to the corruption charge; hence there is no longer any need for assigning a different status to the impiety charge on the one hand and the other two charges on the other. Socrates has also shown that he is hated not only by those whom he refutes but also by many of those who are present at the refutation (21d1; cf. 23a4); for the listeners believe that they know the truth about the most important things no less than those whom he examines; the distinction between the first accusers and the listeners breaks down: practically all Athenians are the first accusers. And the present accusers are merely the spokesmen for the so-called first accusers (24b7).

At the end of his refutation of the "first accusers" Socrates has succeeded in making intelligible the official accusation as he chooses to read it: the corruption charge precedes the impiety charge, and the impiety charge contains no reference to "the things aloft" and the like. Instead he makes the impiety charge to read that "he does not believe in the gods in whom the city believes but in other daimonic things (*daimonia*) that are new." He has not prepared us for the *daimonia*.

By accusing Socrates of corrupting the young the accuser Meletos claims to know what badness and goodness are. Socrates' knowledge of ignorance could be thought to imply that he does not know what goodness and badness are, and that the Athenians who believe that they know are mistaken: is not this precisely the corruption of the young of which he is accused — that, doubting himself, he makes the young doubt of what is held by all Athenians to be good and bad? is he not the sole corruptor (25a9–10)? One could say that in denying the corruption charge Socrates claims to know what badness and goodness are and hence seems to contradict his assertion that his knowledge is of little or no worth. This difficulty can be disposed of, on the basis of what we have learned hitherto, in two ways. 1. Socrates denies that he or anyone else possesses knowledge of the greatest things (22d5–8); perhaps badness and goodness as pertinent to the discussion with Meletos do not belong to the greatest things. 2. Meletos asserts that Socrates makes the young bad by teaching them not to believe in the gods of the city; the corruption charge is therefore reducible to the impiety charge. The impiety charge means more precisely this: Socrates does not believe in the existence of those gods in whose existence the city believes. Meletos walks into a trap which Socrates laid by asking him whether according to him Socrates is altogether godless or merely a denier of the gods of the city; Meletos cannot resist the temptation to say that Socrates is a complete atheist and therewith to contradict his own indictment according to which Socrates believes in

certain daimonic things. This refutation is so beautiful because it leaves entirely open whether Socrates believes in the gods of the city.

The refutation of Meletos is followed, just as the refutation of the first accusers was, by "someone" possibly making a retort and Socrates extensively replying to it. The replies (and the retorts) are, judged according to their form, digressions: the defense proper consists of the refutations of Meletos and the first accusers which must therefore be given their due weight. In the first digression, Socrates spoke of his Apollon-inspired mission, thus incidently supplying the sole proof of his believing in the gods of the city. The second digression continues, deepens, modifies the first. It replies to the possible question of whether Socrates is not ashamed of having engaged in a pursuit through which he is now in danger of dying. Socrates treats with contempt the question and the one who might raise it: what one has to consider is exclusively whether one's deeds are just or unjust and those of a good man or a bad. He refers to the example of Achilleus, the son of a goddess, who without hesitation chose—not commanded by that goddess—to avenge the unjust killing of his comrade Patroklos by Hektor and to die soon afterwards rather than to live in disgrace. He does not mention Achilleus by name; nor does he speak of courage (*andreia*); nor does he seem to notice the slight incongruity of comparing his dying in ripe old age with Achilleus' dying young. The principle applying equally to Achilleus and to Socrates is this: "Wherever someone stations himself believing that it is best or is stationed by a commander, there he must, as it seems to me, remain and run risks, in no way taking into account either death or anything else before disgrace." Socrates remained at his post and braved death like everybody else wherever the Athenian military commanders stationed him; above all, he remained at the post where the god stationed him. Achilleus' action was not commanded to him by any man or god: does the comparison with Achilleus not suggest that Socrates' way of life was not imposed on him by any command but originated entirely in his thinking that it is best? (When speaking of his remaining at his post wherever his military commanders stationed him, he mentions the battles of Potidaia, Amphipolis and Delion. The battles mentioned first and last were Athenian defeats; at Amphipolis the Athenians first won a victory and then were defeated—Thucydides V 3.4 and 10.10. In the case of the defeats, courage consisted less in remaining or staying than in honorably withdrawing or fleeing. Cf. 28d8 and e3 with *Laches* 181b2, 190e5–191a5 and Xenophon, *Oeconomicus* 11.8.)

Socrates says now that the god's oracles commanded him to spend his life philosophizing and examining himself and others. In the first digression the emphasis was altogether on his examining others. Is philosophizing the same as realizing one's ignorance regarding the most important things? As appears from the present context, knowledge of one's ignorance goes together with the knowledge Socrates possesses that acting unjustly and

disobeying one's better, be he man or god, is bad and disgraceful: human wisdom is more than the insight into the worthlessness of human wisdom. He does not know what most people believe that they know, namely, that death is the greatest evil, for he does not have sufficient knowledge of the things in Hades (he has not investigated all things beneath the earth); for all he knows death may be the greatest good. Accordingly he would not consider an offer of the jury to release him on the condition that he no longer philosophize, because he will obey the god rather than the jury: he will disobey a ruling or a law forbidding him to philosophize because he will obey the god rather than the jury or the city; he does not say that he would obey his own judgment rather than the laws. His philosophizing goes together with his exhorting any Athenian he meets to concern himself with reasonableness, truth and the goodness of his soul rather than with wealth, fame and honor, and his refuting those who claim to be concerned with the most valuable things without being so. His exhortation to be concerned with goodness of the soul consists in showing that virtue does not come from wealth but from virtue come wealth and all other things good for man in both private and public life. His philosophizing consists chiefly in exhorting people to virtue as the most valuable thing. Since it is virtue that makes all other things good for man, his accusers cannot harm him but the Athenians will harm themselves if by condemning him to die they deprive themselves of the god-given boon. For the god has given him to the city as a gadfly to a great and noble horse that because of its size is rather sluggish and needs to be awakened from its drowsiness. The comparison is, as Socrates says, rather ludicrous: he unceasingly pricks, not the city as city but every individual "the whole day everywhere"; he does, and does not, take care of the affairs of the city.

It could seem strange that he never engaged in political activity. In the first digression (23b8–9) he had given a then perfectly sufficient explanation for this abstention by the busy-ness imposed on him by the service to the god which consists in examining everyone whom he believes to be wise. But this explanation will no longer do after he has revealed himself as exhorting or refuting every Athenian and not only those whom he believes to be wise, or after his service to the god had proved to be identical with his service to the Athenians (31b3) or after the shift from the purely negative understanding of human wisdom to a more positive understanding indicated by the term "philosophizing." He traces now his abstention from politics to his *daimonion*—something divine and daimonic which comes to him. This is nothing new to the audience; he has spoken to them about it many times and in many places, and it has given occasion to Meletos to caricature him as believing in new *daimonia*. From his childhood this voice comes or arises to him, which when it arises always turns him away from doing what he is about to do and never urges him forward. It is this *daimonion* that opposes his political

activity. This opposition seems to him to be altogether fair, for if he had attempted a long time ago to be politically active, he would have perished a long time ago and would not have been of any benefit to his fellow citizens or to himself: if a man fighting for the right wishes to preserve his life even for a short time, he must lead a private not a public life. The *daimonion* then enabled Socrates to perform the mission imposed on him by the Delphic oracle. It is, however, radically different from the Delphic oracle. Not to mention the fact that the *daimonion* was familiar to the audience while they knew nothing of the Delphic command addressed to Socrates, the *daimonion* was effective from his childhood while Apollo's command reached him when he was already known as wise; the *daimonion* never urged him forward while Apollo always did; and while his obedience to Apollo's commands made him hated and thus brought him into mortal danger, the *daimonion* by keeping him back from political activity saved him from mortal danger or preserved his life; it acted as it were on the premise that life is good and death is bad while the Delphic command proceeds from the opposite premise (cf. *Socrates and Aristophanes* 82, 114, 125). The digression which begins with voicing utter contempt for concern with self-preservation culminates in a vindication of self-preservation—of self-preservation that is in the service of the highest good. With a view to the primary purpose of Socrates' speech it is not superfluous to note that from what he says about the *daimonion* no argument can be derived for refuting the impiety charge.

[*Note*. The most intelligible account of the *daimonion* is found in the *Theages*, a dialogue now generally regarded as spurious. In that dialogue Theages and his father try to persuade Socrates to "be together" with young Theages who wishes to become an outstanding Athenian statesman. Socrates declares that he is useless for that purpose since he understands nothing of the blessed and noble things which Theages needs; he understands only a small piece of learning, namely, the erotic things; in this subject he claims indeed to be of outstanding competence. Theages finds that Socrates is jesting: he simply does not wish to spend his time with Theages as he does with some of Theages' contemporaries who improve greatly thanks to their intercourse with Socrates. Thereupon Socrates ceases at once to speak of his being an *erotikos* and never returns to that subject; instead he speaks of his *daimonion*. The *daimonion* intimates to him what he and his friends should refrain from doing. It intimates in particular with which (young) people he should not spend his time: he cannot spend his time with these. It is true that the silence of the *daimonion* does not yet guarantee that his intercourse with the individuals concerned will be profitable for them. But when the power of the *daimonion* contributes to the being together, instant progress is achieved. Socrates adduces as an example what Aristeides once told him about his experiences with him: he never learned

anything from Socrates; but, being together with him in the same house, preferably in the same room, still more preferably sitting at his side and touching him, he was marvellously profited. If the *daimonion* or the gods do not oppose Socrates' being together with Theages, the latter may have a similar experience: he will never learn anything from Socrates. Socrates has recourse to his *daimonion* after the recourse to his being *erotikos* was of no avail; his *daimonion* replaces his being *erotikos* because it fulfills the same function—because it *is* the same. Socrates cannot profitably be together with people who are not promising, who are not attractive to him. But not a few who are not attractive to him are attracted by him. He cannot well explain his refusal to be together with them by saying that he does not "love" them: he refers to a mysterious power to which everyone must bow and which cannot be asked questions; recourse to the *daimonion* is needed only for justifying refusals (to act). The *daimonion* is the forbidding, the denying aspect of Socrates' nature, of his natural inclinations; its full or true aspect is his *eros* as explained in the *Symposium*: *eros* is daimonic, not divine. "The nature of the other animals is daimonic, but not divine . . . Dreams then would not be god-sent but indeed daimonic" (Aristotle, *De div. per somnia* 463b14).]

Socrates shows next that in the two cases in which he acted politically, he came into mortal danger since he acted according to right or law. This happened once under the democracy and once under the oligarchy: he was neither a democrat nor an oligarch. One could find it strange that the *daimonion* did not turn him back from the two dangerous actions. Perhaps the *daimonion* is not indifferent to right and wrong. Or, more simply, the two actions could not have been avoided by him. When speaking of his action under the democracy, he identifies the jury, the whole jury, with the Assembly that committed the judicial murder of the generals in command at the battle of Arginousai. Accordingly when he says at the end of this passage that "you will have many witnesses for these things," he may refer only to what he did under the oligarchy; otherwise the reference would be ironic (as in 19d1–7). His proof that in his two political actions he stood up for the right leads him naturally to a somewhat muted discussion of the somewhat muted accusation that made him responsible for the misdeeds of his so-called pupils (especially Kritias and Alkibiades). Socrates simply denies that he ever had any pupils. If someone, be he young or no longer young, desired to listen when he spoke and minded his business—*i.e.*, when he philosophized—he never denied this to anyone; nor did he demand money for conversing but he offered himself to be questioned by everyone, rich or poor and, if they wished, they might hear what he said by answering his questions. He never gave private or secret instruction to anyone. It is true that there are some well-to-do young men who always accompany him. They seek his company—not indeed in order to be exhorted to virtue or to be deflated, but

because they enjoy hearing how others, namely those who believe themselves to be wise without being wise, are examined, for to hear this is not unpleasant: it is not pleasant to be exhorted to virtue. Socrates says that it is not unpleasant: it is not unpleasant not only for possibly frivolous youths but simply; it is not unpleasant for Socrates himself. He does not say anything to the effect that that enjoyable examination consists in people being asked "what is?" regarding the human things, but he does not exclude it. However this may be, what he says to people or what he leads them to—people in general or his constant followers in particular—*i.e.*, what he does at the god's command which came to him through oracles, dreams and in any other manner of divine dispensation—the Delphic reply to Chairephon long ago ceased to be the single epoch-making event in his life—cannot be called the corruption of the young. If he corrupted any young men, either they themselves having become older or their fathers or other relatives should come forward and give testimony against him. He sees many of them in court. He mentions seven of his followers and seven of their fathers or brothers by name; altogether he mentions seventeen names. In the enumeration Plato appears in the company of Apollodoros. But none of the followers or their relatives come forward as witnesses for the accusers; the reason is obvious: the accusation is false. Socrates does not have recourse here to the argument which he used for silencing Meletos, namely that no one would voluntarily corrupt anyone (25c5ff.).

This is the end of the apology proper which is admittedly not exhaustive (34b7), one reason being that it deals chiefly with the corruption charge although the chief charge was that of impiety (cf. 35d1–2). In the conclusion Socrates justifies himself for not appealing to the pity of the jury as was the custom. That justification is in a way a digression in the sense previously defined, but it differs from the two digressions proper because it is not introduced as a reply to what "someone might perhaps say" (cf. 34d1–2 with 20c4 and 28b3). Socrates could beg for mercy in the customary manner since he too, as was said to and of Odysseus, is not born of an oak or a rock, and has relatives and in particular three male children, but he refuses to comply with the common practice, in the first place because he is concerned with his reputation as an outstanding Athenian and therewith with the reputation of Athens, and then because it would be unjust and impious to try to influence the jury to break their oath: in the act of defending himself against the charge of impiety he would reveal himself as impious in the eyes of all.

Socrates had expected to be condemned by a large majority; hence he spoke as if the whole jury were convinced of his guilt or hostile to him. To his surprise he was condemned by a small majority. If he judged rightly of the initial mood of the jury, his defense must have convinced not a few of its members. We have no right to assume that there were no members of the jury who regarded him as innocent or were friendly to him from the begin-

ning. Socrates adds that if Meletos alone had accused him, if Anytos and Lykon had not come forward to accuse him, he would have been acquitted. One may therefore deplore that he refuted only Meletos.

"This was . . . a case in which no penalty was prescribed by law" and in which "the court had to choose between the alternative penalties proposed by the prosecution and the defense." (Burnet) Meletos had proposed the death penalty. Socrates proposes what he deserves. In order to determine it, he must consider both his merit and his need. As for his merit, he has never in his life kept quiet but neglected the things to which the many never cease to devote themselves—money-making, management of the household, generalships, success in political oratory, other kinds of political pre-eminence, conspiracies and seditions. As he indicates by this enumeration, all these activities are tainted by injustice. He regarded himself as in truth too good to attend to preserving himself by such activities by which he could not be of any use to the Athenians or to himself; the only plausible motive for going into politics is the concern with self-preservation (cf. *Gorgias* 511a4ff.). Previously Socrates had traced his abstention from politics to the *daimonion*, if not to the Delphic oracle, without openly voicing contempt for the political life; but now he speaks of his unique merit and is therefore silent on both kinds of superhuman promptings, while being very vocal on the low rank of political (and economic) activity. Instead of doing the things which the many do, he conferred the greatest benefit on each man by exhorting him to virtue. But being poor he lacks the leisure for his beneficial work. For both reasons taken together—his outstanding merit and his ten-thousandfold poverty—he deserves to have his meals in the prytaneion. This honor is awarded to the victors in the Olympian games, but these men make the Athenians only seem to be happy, while Socrates makes the Athenians truly happy; and they do not need sustenance but Socrates does.

Socrates' proposal is shocking, not only from the point of view of the majority who had found him guilty. What he says on his merit is based on the premise that he makes the Athenians in fact happy, *i.e.*, virtuous, or that his activity is entirely successful: he was as little successful in making his fellow citizens as good as possible as Perikles, Kimon, Miltiades and Themistokles were, whom he blamed so severely for their failure (*Gorgias* 515b8–516e8); he deserved the signal reward which he claimed as little as the participants in the Olympian games who did not win. What he says on his need for public maintenance would make sense if his friends had suddenly decided no longer to come to his assistance—an assumption that he himself refutes in the context.

Socrates makes his shocking proposal because he regards the serious alternatives to the death penalty as worse than death. He has not voluntarily done injustice to any human being. The Athenians will not believe this, for "we have conversed with one another only a short time." But did he not

converse with them for many years the whole day long? Be this as it may, he wishes to do injustice to himself still less than to others, and he would do so by saying that he deserves some evil. As for the alleged evil that Meletos had proposed, he asserts again that he does not know whether it is good or evil. The alternatives—prison, fine and exile—he knows to be evils (although not great evils—30d1–4) and therefore he cannot choose them. As for exile in particular, in any other city to which he might go he would have the same troubles as in Athens. The young men would listen to his speeches; if he were to chase them away, they would persuade their elders to expel him; if he would not chase them away, their fathers and other relatives would expel him for the sake of the young.

At this point Socrates sees himself again confronted with what "someone might perhaps say" and thus begins the third and last digression. The first two digressions dealt with his divine mission; the last digression also deals with it, if in a somewhat different manner. Someone might perhaps say whether Socrates, after having been exiled from Athens, could not be silent and rest quiet. Socrates knows that it is of all things the most difficult to persuade "some of you" that it is impossible for him to remain silent. We tentatively assume that those whom he cannot persuade are those who condemned him. He could give two different reasons why he cannot remain silent. He could say in the first place that by remaining quiet he would disobey the god; but if he said this, they would think that he uses dissimulation ("irony"). He could say in the second place that it is the greatest good for a human being to engage every day in speeches about virtue and the other things about which they heard him converse and thereby examine himself and others—he does not say here "all others"—and that the unexamined life is not worth living for any human being; but this reason would convince them even less than the first and therefore, we may add, it is in need of a more plausible substitute. Socrates explains here tacitly why he told the story of the Delphic oracle. It is no accident that this explanation occurs in the central part of the dialogue. The distinction between the two reasons is identical with the distinction between being stationed by a superior and stationing oneself where one believes it is best (28d6–8). The second reason is utterly incredible to Socrates' condemners; the first reason is less remote from their understanding. We may conclude tentatively that those who acquitted Socrates believed either in his Delphic mission or in the intrinsic supremacy of the philosophic life or perhaps both.

After having made his momentous statement Socrates returns to the question of which penalty he should propose. He returns to the central alternative to the death penalty, a fine, which he had previously dismissed with a view to his not possessing money. In the repetition he repeats that he is not accustomed to regarding himself as deserving any evil but adds that he does not regard loss of money as an evil. He proposes therefore the small

fine which he can afford to pay and raises at once the amount to thirty times its value at the request of Plato, Kriton, Kritoboulos and Apollodoros who vouch for the payment. There is then and there always was an alternative to the death penalty: why then did Socrates make at all his shocking proposal which could only aggravate the hostility of the jury? The Platonic Socrates, as distinguished from the Xenophontic Socrates, does not explain his conduct at the trial by his view that in his advanced years it was good for him to die.

This is not the only question left unanswered by Plato's *Apology of Socrates*. In the *Gorgias* Socrates compares the situation in which he would find himself if he were tried by the city on the charge brought by some villain that he corrupts the young, to that of a physician tried by children on the charge brought by a pastry cook that the physician gives them bitter medicine; he could not tell them the truth which they would be unable to understand. Here Socrates speaks of the multitude as homogeneous. But in the *Apology of Socrates* he makes a distinction, justified by the vote, between the condemning and the acquitting part: will the acquitters have understood him? After he was condemned to death, Socrates addressed the condemners and the acquitters separately. To the condemners he said three things. 1. What induced them to condemn him was not that he lacked speeches—a reminder of the prooemium—but his refusal to beg meanly for their pity, a refusal stemming from his concern with honor, with what is becoming for him. He compares the proper conduct before a court of law (not the proper conduct in the performance of his mission—28d10–29a1) with the proper conduct in war: however profound the difference, or the antagonism, between Socrates and the non-philosophic citizens may be, in grave situations he identifies himself completely, as far as his body is concerned, with the city, with "his people." 2. Yet he makes a distinction between the condemners and the accusers: the disgrace consequent upon his condemnation falls on the accusers. 3. He predicts that what they expect from killing him will not come to pass. They expect by killing him to get rid of the necessity to give an account of how they live. But more will put them to that test after his death, namely those whom he restrained from doing so, and they, being younger, will be harsher on them than he; of this restraining influence of Socrates his condemners were unaware. Socrates had not mentioned it before. On the contrary, he had said before (30e1–31a2) that if they kill him, they are not likely to find another gadfly: did he at that time wish to induce them to kill him?

With the acquitters he would like to exchange speeches (*dialegesthai*); in fact he exchanges stories with them (*diamythologein*) by telling them stories or reminding them of them. He explains to them the meaning of what had happened. In his speech to the condemners he had uttered a divination as men do who are about to die. Now he speaks of his customary divination, the

divination through the *daimonion*. The *daimonion* formerly opposed itself very frequently and even on very small matters whenever he was about to do something wrong or unfit. But now on the day of his trial "the sign of the god"did not oppose itself at any moment to anything he did and in particular never while he delivered his speech, although in other speeches it had stopped him in the middle: the *daimonion* opposes not only some actions but also some speeches. The silence of the *daimonion* on this day suggests that what happened to Socrates is something good: to be dead is not bad. This silence of the *daimonion* is all the more remarkable since its function seems to have been to preserve his life; this may be the reason why it is now called "the sign of the god," *i.e.*, why the distinction between the *daimonion* and Apollo's command is blurred. In his speech to his condemners he had not questioned their premise that death is a great evil.

Socrates does not then leave matters now at saying that he does not know whether death is an evil. But the silence of the *daimonion* might not prove more than that death is good for Socrates now because of his old age (cf. 41d4 and *Crito* 43b10–11). He shows therefore that there is great hope that death is simply good. To be dead is one of two things: it is either to be nothing and have no awareness of anything, or it is, in accordance with what is said, some change and migration of the soul from the place here to another place. In discussing the first alternative, Socrates is silent on death as complete annihilation and on the question of whether fear of death thus understood is not according to nature. He speaks only of death as a state of dreamless sleep. If death is this, it would be a marvelous gain: if someone had to pick out that night in which he slept so profoundly as not even to dream, and, contrasting it with the other nights and days of his life, were to say after due consideration how many days and nights in his life he has spent better and more pleasantly than that night, practically everyone would find that they are easy to count compared with the other days and nights. The ambiguous sentence intimates the doubtful character of the thought: Socrates the gadfly, the awakener from drowsiness, as the encomiast of the profoundest sleep. One could say of course that in dreamless sleep one does not believe that one knows what one does not know and is therefore in possession of that human wisdom which is of little or no worth. But, as we have seen, this negative account of Socrates' concern was gradually superseded by a more positive account according to which it is the greatest good for man to exchange speeches every day about virtue and kindred things or to "philosophize," and an unexamined life is not worth living for man.

Correspondingly Socrates speaks in the second place of what follows if death is, as it were, a going away from home, from one's people, to another place where, according to what is said, all the dead are; in that case there would be no greater good than death. In Hades one would find in the first place all the half-gods who were just during their life and among them in the

first place the true judges (Minos, Rhadamanthys, Aiakos and Triptolemos); Socrates does not speak of the half-gods who were unjust during their lives, nor of what the true judges will do to them and still less of what they will do to men who acted unjustly here (like his accusers and condemners). Instead he speaks of another great boon: in Hades one might come together with Orpheus, Mousaios, Hesiod and Homer—another group of four, the group whom Adeimantos quotes or mentions together as teachers of injustice (*Republic* 364c5–365a3). For Socrates it would be wonderful to meet there Palamedes, Aias the son of Telamon and other ancients, if any, who died because of an unjust judgment and to compare his experiences with theirs (Aias committed suicide). But, most important, one could there spend one's time examining and searching those there, as these here, as to who among them is wise and who believes himself to be wise without being so; to converse with, to be together with, and to examine the one who led the great army against Troy, or Odysseus or Sisyphos or a thousand others, men and women, would be unspeakable happiness; those there presumably do not kill one on this ground at any rate, for they are happier than the ones here in the other respects and in addition are henceforth immortal, if the things that are said are true. Life in Hades seems then to be happy for all, especially for Socrates who will continue there the life he led in Athens and improve on it without having to fear capital and probably any other punishment. Is dying then bad? If it is not bad, Socrates will not be happier there than he was here (cf. *Statesman* 272b8–d2), unless the examination of Homer and his heroes and heroines increases happiness. Socrates had not spoken of his examining women in Athens.

Socrates does not mention Agamemnon by name, just as he did not mention Achilleus by name (28c2–d4). He mentions by name altogether twelve who dwell "there" just as he had mentioned by name in his enumeration of his companions and their fathers or brothers twelve who dwell "here," *i.e.*, who are still alive (33d9–34a2). Hesiod and Homer not unnaturally occupy the central place. The second from the end in the second enumeration is Odysseus; the second from the end in the first enumeration is Plato.

In conclusion Socrates exhorts the acquitters to be of good hope in regard to death with special regard to the outstanding truth that nothing is bad for a good man while he is alive or after his death, and his affairs are not neglected by gods. He then applies this truth to himself: it is now better for him to die and to be freed from troubles, as the *daimonion* intimated by its silence. Immediately before this conclusion he had suggested that all the dead are in Hades and happy there; from this it would seem to follow that no one has to fear death. But the concluding remark is to the effect that only the good men do not have to fear death, and it seems to assume that Socrates is a good man which in the whole context of the work also means that he is innocent of the

crimes of which he was accused. Yet he infers that it is good for him to die not from his goodness but from the silence of his *daimonion*: and he infers from that silence, not that death is simply good but that death is good for him now.

It is no wonder that he is not very angry with his condemners and even his accusers although they intended to harm him. What may cause some wonder is that he entrusts to them, and not to the acquitters whom he describes as his friends (40a1), the concern with the virtue of his sons; if the condemners and accusers will annoy his sons as he annoyed the condemners and accusers, and for the same reason, both he and his sons will have suffered justice at their hands. He seems to expect his condemners and accusers to become his spiritual heirs at least as far as his sons are concerned. Yet by entrusting his sons to his condemners, he entrusts them to the majority, *i.e.*, to the city; and the city is concerned with virtue, if only with vulgar virtue: it can be expected to urge Socrates' sons toward that kind of virtue. He concludes with the remark that he is going away to die and they to live; and that whether he or they go away to a better lot is immanifest to everyone except to the god. One may say that he returns to his early protestation of ignorance as to whether death is good or bad. He surely does not tell his condemners stories about Hades.

II

While the *Apology of Socrates* is *the* public conversation of Socrates carried on in broad daylight with the city of Athens, the *Crito* presents a conversation which he had in the strictest privacy, secluded as he was from everyone else by the prison walls, with his oldest friend.

At the beginning of the dialogue (cf. 44a7–8) Socrates is in profound sleep, dreaming of a beautiful and well shaped woman who is clothed—we learn even the color of her clothes—and who calls him and says that "on the third day [he] would come to the most fertile Phthia." He awakens and has his conversation with Kriton which culminates in the *prosopopoiia* of the laws of Athens. What the Laws are made to tell him reduces him again to a quasi-somnolent state—a state in which he can as little hear what Kriton or anyone else may say as he could in the state in which he was at the beginning. Yet while the state in which he was at the beginning was tranquil and peaceful, at the end he is in a state which is comparable to that of people filled with Korybantic frenzy who believe that they hear flutes, and in which the speeches he has heard from the Laws make a booming noise in him.

When the conversation with Kriton begins, it is still quite dark. It is also still quite dark when Socrates' conversation with Hippokrates begins (43a4, *Protagoras* 310a8). But in the case of the conversation with Hippokrates we hear that during that conversation the day began to dawn so that the two

could see one another clearly (312a2–3); we hear nothing to this effect regarding the conversation with Kriton: perhaps it took place in its entirety before dawn; perhaps Socrates and Kriton did not see one another clearly at all; the conversation surely did not take place in its entirety in broad daylight. Correspondingly in the *Crito* nothing is said about Socrates' rising from his bed, sitting, standing or walking. One does not sufficiently explain the difference between the situation in the *Crito* and that in the Hippokrates-section of the *Protagoras* by saying that the *Crito* is a performed and the *Protagoras* is a narrated dialogue, for who can doubt that Plato would have been able to make it clear even in a performed dialogue that the sun and Socrates had risen?

The *Crito* opens with six or seven Socratic questions to which Kriton possesses the full answers. The last of these answers leads up to the prediction, based on what certain (human) messengers say, that Socrates will die tomorrow. This prediction Socrates refuses to believe because his dream assured him that he will die on the third day.

In the dream a beautiful woman said to Socrates and about Socrates what in Homer Achilleus said about himself to Odysseus while refusing to be reconciled with Agamemnon, his ruler. Socrates, even the dreaming Socrates, had to change the Homeric text and context, for Achilleus threatened to leave the army—his post—and to go home to Phthia, or he disobeyed his ruler (cf. *Republic* 389e12–390a4). He made the necessary change on the basis of another Homeric passage. In a central passage of the *Apology of Socrates* (28c2–d5) where Socrates presents Achilleus as a model of noble conduct, he speaks of a beautiful woman, the goddess Thetis, saying to her son Achilleus that he will die straightway after Hektor; Achilleus chose to die nobly rather than to live in disgrace—which he would surely do by returning to Phthia. In Socrates' dream the two Homeric passages (*Iliad* 9.363 and 18.94ff.) are combined with the result that a beautiful woman prophesies to him that he would come to Phthia, or advises him to go to Phthia, *i.e.*, to Thessaly. As a matter of fact, Kriton will soon propose to Socrates that he should escape from prison and go, if he wishes, to Thessaly (45c2–4). If Socrates accepted this interpretation of the dream, he would go to Thessaly on a more than human initiative and therefore by his action disobey only his human rulers. But Phthia being Achilleus' fatherland, the dream could as well mean that Socrates will come on the third day to his true fatherland, *i.e.*, to Hades. It is this interpretation which he tacitly chooses as a matter of course.

Kriton is eager that Socrates obey him and save himself for the sake of Kriton. He adduces two reasons. He will lose by Socrates' death an irreplaceable friend and, above all, his reputation with the many who do not know him and Socrates well will irreparably suffer, for they will think that he failed to save Socrates because he did not wish to spend the money required

for the purpose: it is disgraceful to be thought to esteem money more highly than friends. (This argument implies that the many who condemned Socrates to die also would condemn Socrates' friends for not illegally preventing his execution, for the many think that it is disgraceful to esteem money more highly than friends.) Socrates does not even attempt to comfort Kriton about the loss of his best friend (for he would incur that loss also if Socrates left Athens as a fugitive from justice) but he tells him that his concern with the opinion of the many is exaggerated; the fact that the many guided by their opinion condemned Socrates to death does not prove, as Kriton thinks, that they can inflict the greatest evils; they can do this as little as they can bestow the greatest goods: they cannot make men sensible or foolish. Socrates does not deny of course that they can inflict evils (cf. *Gorgias* 469b12). Kriton is thus compelled to set forth more serious considerations. He fears that Socrates does not wish to expose Kriton and his other friends to accusations by informers and hence to heavy fines; while he has asked Socrates to worry about Kriton's reputation, he asks him not to worry about the wealthy Kriton's property. Socrates had indeed not been unmindful of Kriton's possible financial sacrifices. Kriton shows him that there is no reason for being concerned with the matter. In the first place only a small amount of money is required for arranging Socrates' jail break and for assisting him afterwards. Secondly, the informers can be bought off with small amounts of money. Thirdly, if Socrates still worries about Kriton's sacrifice, however small, the expense does not have to be borne by Kriton at all; Simmias of Thebes could and would single-handedly bear it. Finally, Socrates should not worry about his way of life in his place of refuge; in many places he will find people who will esteem him highly; Kriton mentions by name Thessaly where he, Kriton, has good connections.

Kriton turns then from considerations which are more or less closely connected with his wealth to considerations of what is just for Socrates to do: by failing to save himself he would transgress his duty to himself and his duty to his children, for he would betray himself and his children. The father Kriton rebukes the father Socrates severely for being tempted to choose the easiest course regarding the rearing of one's children, namely desertion. He is silent about Socrates' duty to the city. The consideration of the just turns almost insensibly into a consideration of the noble, of what befits a manly man: Socrates and his friends will be thought to have mismanaged the whole affair from the beginning to the end through lack of manliness. This shift from the just to the noble is based on a specific view of justice: it is a man's first duty to preserve himself, to prevent his suffering injustice (cf. Kallikles' argument in the *Gorgias*). In conclusion Kriton urges Socrates to deliberate about his proposal while saying that there is no longer time for deliberation (for Socrates must escape during the coming night) or that there is no object of deliberation (for there is no imaginable alternative to flight during the

coming night). He obviously does not believe in the prediction conveyed through Socrates' dream that he will die only on the third day.

The consideration of the just occupies externally the center in Kriton's argument. In Socrates' reply it becomes the primary and the chief, not to say the sole, consideration. To justify this change, he must question Kriton's fundamental premise that one must respect the opinion of the many because the many are so powerful. That premise had been rather summarily dismissed before (44d1–e1). Now he examines it at some length. He starts from the fact that he is always obedient to nothing other of what is his than the *logos* which appears best to him when he reasons (*logizetai*): he may obey *logoi*, or promptings, which are not properly speaking his, such as oracles (*Apology of Socrates* 20e5–6) or the *daimonion* or the laws (52c8–9). In the conversation with Kriton he barely alludes to the *daimonion*; he does not refer to the fact that the *daimonion* approved by its silence of his conduct at the trial (*Apology of Socrates* 40a4–c3)—that conduct which Kriton so severely blamed because of its apparent lack of manliness (45e4–5). Kriton was obviously as little impressed by the testimony of the *daimonion* as by the prediction conveyed through Socrates' dream: he did not believe in the *daimonion*. Apart from twice swearing "by Zeus," he never speaks of the gods. He is sober or rather pedestrian, therefore narrow and hence somnolent regarding the things which transcend his sphere, his experience.

The *logoi* that appear to Socrates best as a result of his reasoning are not necessarily unchangeable; they may be superseded by better *logoi*. He denies therefore that his present situation as such and especially the nearness of his death justify a revision of the *logoi* at which he had arrived previously, for that situation, brought about by the mysterious and sinister power of the many, had been taken into account by the former *logoi*. This applies also to the *logoi*, or at least to some *logoi* on which he and Kriton had previously reached agreement: Kriton too cannot give them up merely on account of the present situation. Socrates proposes that they discuss first Kriton's *logos* about the opinions—the *logos* that one must pay respect to the opinions of the many. Previously they held, in agreement with what was always said by those who believe that they are saying something worth while, that one must respect some opinions of human beings but not others. This could be thought to mean that one must respect some opinions of the many. Socrates here excludes this by adding that one must respect the opinions of some but not those of others, for the opinions that are respectable are the useful or good opinions and these are the opinions of those who are sensible, *i.e.*, of the few.

For instance, a man in gymnastic training who is serious about it, is swayed by the praise, the blame and the opinions, not of every man but of that single man alone who happens to be a physician or a trainer; he will act in a manner approved by the single expert rather than by all others; by

respecting the *logoi* of the many who are not experts, he will suffer damage in his body, perhaps even ruin it. The opinions, not only of "the many" but of any "many" are to be disparaged in favor of the opinion of the single knower. And since by not listening to the physician or trainer one may ruin one's body, not only the man already seriously engaged in gymnastic training but everyone (who can afford it) must seek the expert's guidance. Accordingly in regard to the things just and unjust, base and noble, good and bad too one must follow the opinion of the single expert, if there is one, and not that of the others. Socrates thus forces us to wonder what one must do if no expert regarding the just, noble and good things is available, if the best that one can find among human beings is knowledge of one's ignorance regarding the most important things (*Apology of Socrates* 22d7 and context). Must one not, or at least may one not, in that case obey the opinions of non-experts, a kind of opinion of non-experts, the most authoritative kind, *i.e.*, the laws of one's city? Would the laws thus not be only "the way next to the best"? On the other hand, what should one do if there is an expert in such matters and his *logos* differs from that of the laws?

Socrates does not raise these questions explicitly. But he also does not limit himself to alluding to them, by using the conditional clause "if there is an expert." He intimates in addition why the availability of an expert cannot be taken for granted and at the same time the specific limitation of Kriton by studiously avoiding the word "soul." He uses instead periphrastic expressions like "whatever it is of the things belonging to us with which justice and injustice are concerned" and which deserves higher honor than the body. He thus intimates the difference between the expert regarding justice and the non-experts (and in particular the laws): the expert's *logoi* on what is just proceed from knowledge of the soul.

Socrates turns next to Kriton's *logos* that one must be concerned with the opinion of the many regarding the just, the noble and the good things and their opposites not because of its intrinsic worth but because the many have the power to kill us, *i.e.*, to ruin our bodies. It is not quite clear whether in taking issue with that *logos* Socrates presupposes the whole result of his refutation of Kriton's first *logos*. (Note the unusual density of adjectival vocatives—48a5, b3, d8, e2—in the transition from the first to the second argument.) Certain it is that he no longer speaks now of the single expert regarding the just things: might that expert not say that in certain circumstances one must cede to the power of the many or try to elude it (cf. *Republic* 496d–e)? Instead he ascertains that Kriton still agrees with what both had agreed upon previously or that those agreements still remain; the agreements of two take the place of the verdicts of the single expert. They agreed and agree that not life but the good life is to be valued most highly and that the good life is the same as the noble and just life. From this it follows that the only thing which they have to consider in regard to Kriton's

proposal is whether Socrates' escape from prison against the will of the Athenians would be just on the part of Socrates and of Kriton; all other considerations are irrelevant. Socrates is willing to reconsider his opinion; he would not wish to act against the will of Kriton, just as he does not wish to escape against the will of the Athenians; he wishes to reconcile Kriton's will with that of the Athenians. He encourages him therefore to contradict him; if Kriton is able to do it successfully, he will obey him. At the same time he makes sure that Kriton still adheres to their former agreements by stressing how unbecoming it is for men of their old age to change opinions like little children.

Socrates explains what it means to act justly by first stating that one must in no manner voluntarily act unjustly or that to act unjustly is for him who acts unjustly both bad and base in every manner. He thus reminds us of the question as to whether anyone can voluntarily act unjustly (*Apology of Socrates* 25d5–26a7 and 37a5–6) or whether all acts of injustice do not stem from ignorance: only the knower, the expert regarding the just things, can act justly. He draws the conclusion that one must not when suffering injustice do injustice in turn. After some hesitation Kriton agrees. Socrates states secondly that inflicting evil on human beings, even if one has suffered evil from them, is unjust, for inflicting evil on human beings differs in nothing from acting unjustly. Kriton agrees without hesitation. One wonders whether one cannot act unjustly against the gods (cf. *Euthyphro* 11e7–12e9 and *Laws* 821c6–d4), *i.e.*, whether impiety is not a crime, and hence whether Socrates would not have committed an unjust act by not believing in the existence of those gods in whose existence the city believes, unless such unbelief harmed the city, *i.e.*, human beings. If those who comdemned Socrates and those who acquitted him regarded impiety as a crime while differing as to whether Socrates was guilty of it, Kriton would not belong to either group. It goes without saying that he did not belong with the condemners; as for the acquitters, they were people who could be assumed to believe in Socrates' *daimonion*. One wonders furthermore whether inflicting evil on human beings can be simply unjust if war is not simply unjust; but Socrates went to war whenever the city told him to go (51b4–c1) without making his obedience dependent on whether the war was just or not.

Socrates draws Kriton's attention to the gravity of the matter on which they agreed and still agree. Only some few share these opinions; and those who hold them and those who do not cannot deliberate in common; they have no common ground, and they are bound to despise one another's deliberations. *The* cleavage among men is no longer that between knowers and ignoramuses, or between the philosophers and the non-philosophers ("philosopher" does not occur in the *Crito*), *i.e.*, between the few who hold and the many who do not hold that the unexamined life is not worth living, but that between those who hold that one may not requite evil with evil and

those who hold that one may, or even ought to, do it. One may wonder how there can be a city if there is no common deliberation between those few and these many. Or is it a pre-requisite of citizenship that one believe in the right of requiting evil with evil? But is then the city not radically unjust? Be this as it may, Socrates admits now as it were in passing that we may defend ourselves when we suffer evil, but he lays stress on the fact that in doing so we must not do evil in return.

The question which Socrates and Kriton have to decide is whether by going away "from here" without having persuaded "the city" "we" inflict evil on "some" and even on those whom one ought to harm least. The difference between Socrates and Kriton is now irrelevant. Previously Socrates had spoken of going away without the permission, or against the will, of the Athenians (48b2–c1, e3); now he replaces "the Athenians" by "the city," because "the Athenians" are "many" or even "the many." The place of "the Athenians" in the meaning which the expression has in the two indicated passages is taken in the sequel particularly by "the fatherland": "the Athenians" and "the fatherland" occur each seven times in the *Crito*. In the sequel Socrates speaks of "the fatherland" and much more frequently of "the city" (and derivatives) and "the laws" (and derivatives), *i.e.*, uses expressions which never occurred before, while there no longer occurs any reference to "the many." In acting without the permission of the city they harm "some": they do not harm all men.

Only at this place in the conversation does Kriton not understand a Socratic question: despite, or rather on the basis of, his agreement with Socrates on the principles he has no doubt that it would be just for Socrates to escape from prison and for him to assist him therein (45a1–3, c5ff.), for in doing so neither he nor Socrates would in his opinion inflict evil on human beings and least of all on those whom one ought to harm least, *i.e.*, relatives and friends. He does not think of the city, for he is not a political man (cf. Xenophon, *Memorabilia* I 2.48 and II 9.1). We may go one step further and say that the previous agreements between Socrates and Kriton did not extend to political things and especially the laws. Socrates does not answer or explain in his own name the question which Kriton had not understood. To counteract the scaring effect which the power of the many had on Kriton (cf. 46c4–5), he has recourse to a more noble action of a kindred kind. He asks him to visualize that when about to run away "from here," they would be stopped by the laws and the community of the city and asked to give an account of what Socrates intends to do. The relation of the laws and the community of the city is not explained but it is clear that while the city consists of human beings, the laws do not: the laws are in a sense superhuman. The appearance speaks of itself once in the singular, *i.e.*, means itself as the community of the city, and thereafter in the plural, *i.e.*, means itself as the laws. The Laws ask Socrates first whether he does not by his attempt

intend to destroy "us laws and the whole city" so far as it lies in him, for a city will be destroyed if the judgments given by the courts are rendered ineffective by the actions of private men. Socrates asks Kriton whether they would reply that they have been wronged by the city which gave the wrong verdict; Kriton agrees eagerly, strengthening his assent by an oath. (There occurs only one other oath of Kriton; he replies to Socrates' question near the beginning why he had not awakened him by a "No, by Zeus.") He apparently thinks that in correcting by private action an injustice committed by the city, one does not inflict evil on human beings but rather bestows a benefit upon them.

The Laws do not respond to Socrates' and Kriton's justification. Instead they are made to counter with the admittedly strange question whether they and Socrates had not agreed that one must abide by the judgments given by the city's courts. When Socrates does not answer, they repeat their assertion that Socrates is attempting to destroy them and ask him on the basis of what charge against them and the city he does so. He seems to have answered that question earlier when he put it to himself and replied that the city wronged him by his condemnation. But the question which the Laws put to him concerns not his private complaint against a single act of theirs but his charge against Athenian laws in general. The question of Socrates' charge against Athenian laws in general is raised but not answered in the *Crito*. For Socrates, to say nothing of Kriton, is not given an opportunity to answer that question raised by the Laws.

The Laws seem now to begin at the beginning. They tell Socrates that they have generated him by virtue of the marriage laws and that they have reared and educated him by virtue of the laws which commanded his father to educate him in gymnastic and music. Socrates approves of these laws. He does not say that he agrees with the reasoning of the Laws. To say nothing of their claim to have generated him, they are understandably silent on the branches of education higher than music and gymnastic. (Cf. *Republic* 520a9–c1 and Cicero, *Republic* I 8.) The Laws draw the conclusion that through what they have done for him, he is their offspring and their slave and therefore that he and they are not equal in right: this is the reason why he cannot rightfully do to them what they do to him, even less than he could rightfully have done to his father what his father did to him or rightfully do to a master, if he were a slave, what his master does to him. For the fatherland is more venerable and more highly esteemed by gods and by men of sense than mother and father and all ancestors. The fatherland seems to communicate its immortality or unchangeability to the laws; therefore the Laws can say that through what they have done for Socrates he has become their offspring, he and his ancestors: the Athenian laws were not at all times the same. The Laws wisely do not refer to the principle that one must not do evil to human beings; it is sufficient for them to refer to the principle that every

citizen belongs altogether to them; one would be tempted to say that every citizen belongs to the Laws body and soul, were it not for the fact that the *Crito* does not use the word "soul." Accordingly the *Crito* can only intimate that the soul is more venerable than the body and state that the fatherland is more venerable than father and mother: it does not force us to wonder whether or not the soul is more venerable than the fatherland (cf. *Laws* 724a1–727a2).

The Laws compare the relation between the citizen and the fatherland, the city, or the laws to the relation between children and their father, *i.e.*, to a relation not based on agreement or compact. How far does the duty of obedience to the law extend according to the Laws? They say nothing about any limits to that obedience. We must then assume that they demand unqualified obedience, passive and active. Yet the Laws may be mistaken in what they demand; they do not raise a claim to superhuman wisdom or to be of divine origin (cf. *Laws* 624a1–6 and 634e1–2) or to be divine—as little as does the woman who appeared to Socrates in his dream. (The Athenians are not presented in the *Crito* as generated and educated by gods; see *Timaeus* 24d5–6.) The Laws may believe that something is just without its being so; one may therefore try to persuade the fatherland or the city to desist from its demand, but if one fails therein, one must do as one is told. (They do not say here that one must try to persuade the Laws, for the things which one is legally commanded to do are frequently determined not by the laws as such but by political or judicial decisions.) The Laws refer to Socrates' special case: he claims to be truly concerned with virtue and is therefore under a special obligation. But precisely Socrates had touched on the question as to whether he would or could obey a law forbidding him, explicitly or implicitly, to philosophize, *i.e.*, to be truly concerned with virtue, and he said that he would not (*Apology of Socrates* 29c6–d5). As for the Laws' argument that one must unqualifiedly obey the laws even more than the son must obey his father, it is sufficient to think of the case of an insane father against whom one may use deception and even force in his own interest and to wonder whether cities are incapable of passing insane laws. Be this as it may, Kriton is fully satisfied that the Laws say the truth, as fully as that other father, Kephalos, would have been.

The Laws themselves seem to feel that the satisfactory character of the Athenian laws concerning marriage and elementary education or the obligations deriving from one's debt to them on account of these particular laws do not suffice to justify their demand for complete submission. Therefore they "might perhaps" make the following two additions. Firstly, they have given to Socrates, just as to all other citizens, a share in all the noble things at their disposal: Meletos may be right in saying that the Laws make human beings better (*Apology of Socrates* 24d10–11); they surely are as little able as the

many to make a man sensible (cf. 44d6–10). Secondly, they permit every Athenian who is of age, if the Laws and the city displease him, to go to an Athenian colony or wherever he wishes, taking his property with him; no law prevents him from doing it, although something else might. But whoever stays in Athens, seeing how the Laws decide cases before the courts and administer the city in other respects, has agreed by deed to do what the Laws command, unless he persuades them, if they make a mistake, of what is intrinsically, naturally just; for the Laws are civilized and do not command in a savage, tyrannical manner but are willing to listen and to be persuaded. This agreement with the Laws takes the place formerly occupied by education through the Laws (cf. 51e4–7 with 50e2).

Unqualified obedience to the Laws has then two heterogeneous grounds: the fact that they have generated and reared the citizen and the fact that he has made an agreement with them; the former makes him the slave of the Laws, the other is the act of a free man; unqualified obedience to the Laws has its root in the co-operation of compulsion and consent. And the Laws take full responsibility for everything done by their authority: for the administration of justice and for the political administration in general; the Laws are the city, the citizen body, the Athenians; the distinction previously suggested between the Laws and the citizen body is here silently dropped. There is a twofold reason for this. Firstly, the Laws act only through being known to human beings (*Apology of Socrates* 24d11ff.), they act only through human beings and, above all, they originate in human beings or, more precisely, in the regime which in Athens is a democracy. Secondly, acting unjustly means inflicting evil on human beings; but the Laws are not human beings.

No Athenian, the Laws continue, made the agreement with the Laws in deed to such a singular degree as Socrates, for he hardly ever left Athens, he never even desired to know another city or other laws but the Laws and the city sufficed him; he showed by deed that the city pleased him. This reasoning of the Laws may explain why they are silent on Socrates' ever having attempted to persuade the Laws to change their course although he knew that they were defective in at least one important respect (*Apology of Socrates* 37a7–b1), for he could not have done this without engaging in political activity and, as the Laws doubtless knew, his *daimonion* prevented this (*ib.* 31c4–e6); the Laws are silent on this point because spelling out what persuading the Laws means would not be compatible with the *hypothesis* of their superhuman status. In the case of Socrates at any rate the duty of obeying the Laws was not limited by the right to persuade the Laws. This fact strengthens their contention that by trying to run away he would act against his tacit agreement with them and hence commit an unjust act; they are now silent on the other ground of obedience to them. They conclude this

part of their argument by asking Socrates whether he has agreed to live as a citizen according to them. Kriton, asked by Socrates, replies that it is necessary for him and Socrates to agree to what the Laws say.

The Laws conclude their reasoning about the justice of Socrates' running away by emphasizing again that in doing so he would break his covenants with them—convenants into which he entered under no compulsion whatever and which therefore were just—they do not say that the Laws themselves are just—and that he was pleased with the laws. The latter fact is all the more remarkable since, as they mention now, he was in the habit of saying of Sparta and Crete (what he apparently did not say of Athens) that they are well-governed or have good laws; although he had no desire to know other cities and other laws, he nevertheless knew at least some of them. His hardly ever leaving Athens proves that the city pleases him and hence the Laws: for whom could a city without laws please? That no city which has no laws can please obviously does not prove that the pleasing city must have pleasing laws: a city may have other attractions than its laws; this is what Socrates meant when he made the Laws emphasize that no *law* prevented him from moving to another city. (One finds an extensive statement of Socrates' view of Athens' attractions and of her laws in his description of the democracy in the eighth book of the *Republic*.)

Without giving Kriton now or later an opportunity to voice his agreement or disagreement, the Laws show next that in escaping from prison Socrates would act not only unjustly but also ridiculously, for the action would be inept or not suitable to the ends which it is meant to achieve; it would not have the excuse of being at least a profitable crime. They thus counter the reasonings by which Kriton had supported his advice. They deal very briefly with the great risks run by Socrates' friends as too obvious to require explanation. They deal rather extensively with the risk run by Socrates himself. He could escape to one of the nearby cities like Thebes and Megara which are well-governed but he would come there as an enemy of their regime (for the regime is not democratic and Socrates is a law-abiding citizen of democratic Athens), and he would be regarded there at least by the patriotic citizens as a destroyer of laws and therefore presumably a corrupter of the young. The Laws discuss then very briefly the alternative that Socrates would avoid the well-governed cities and the most well-behaved of men and dismiss it at once on the ground that, if he did this, life would not be worth living. One wonders whether his life was not worth living in Athens which was not a well-governed city. The Laws return therefore to the first alternative: what kind of speeches will he make in the well-governed cities? the same as in Athens, to the effect that virtue and justice and the things established by law and the law are of the highest value to human beings? But if made by a fugitive from justice would they not discredit Socrates' life work? The Laws return then again to an alternative: that Socrates would avoid, not so much the well-governed cities as "these places" (*i.e.*, the

region of Athens, Megara and Thebes) and go to Thessaly. There he would not be frowned upon for having transgressed the gravest laws because the people there live in the greatest disorder and dissoluteness and would probably be only amused if Socrates told them of the laughable details of his escape—things more truly laughable than his staying in prison which to Kriton seemed so laughable (45e5–46a1). But the mood of the Thessalians would change as soon as he annoyed any of them, as he could not help doing without ceasing to be Socrates (cf. *Apology of Socrates* 37d6–e2). Then they would make as much of the contrast between his deed and his speeches as the most respectable Thebans and Megarians would do. The disjunction used by the Laws—well-governed cities nearby and dissolute Thessaly far away—is not complete; there were well-governed cities far away from Athens, Sparta and especially Crete (52e5–6), where Socrates and his escape from prison might not be known. But, as the Laws and Socrates (43b10–11) say, he is an old man who is not likely to live for a long time anyway. The Laws have no reason to discuss whether another course of action would have been appropriate if Socrates had been younger.

According to Kriton it is a demand of justice that Socrates save himself to complete the rearing and education of his sons. The Laws treat this argument at the end of their reasoning concerning the expediency of Socrates' running away. They advise him to entrust the rearing and education of his children to his friends. Socrates himself had spoken only of what he would wish his condemners to do to his children after they reach puberty (*Apology of Socrates* 41e1–42a2).

In their conclusion the Laws speak of themselves only as Socrates' rearers; they are now silent on their having generated and educated him (cf. 54b2 with 51c8–9 and e5–6). In accordance with this limitation of their claim they now disclaim responsibility for the injustice which Socrates suffered; he has suffered that injustice at the hands, not of the Laws, but of human beings. It is of the utmost importance that the Laws themselves declare Socrates to be innocent of the crimes with which he was charged. They advise him to subordinate every other consideration to that of what is right so that, having come to Hades, he can plead in his defense before those who rule there all that the Laws have told him; shortly thereafter they in fact identify the rulers in Hades with the Laws in Hades: in Hades there is not the distinction between the laws and the rulers (those who execute the laws) which permits the Laws to say that Socrates has suffered injustice at the hands not of the Laws, but of those who execute the Laws; in Hades, miscarriage of justice is not possible. The thought of Hades surely strengthens their conclusion that Socrates would act unjustly if he followed Kriton's advice.

Both the content and the manner of the speeches of the Laws make it impossible for Socrates to listen to any other speeches and in particular to what Kriton might say. But Kriton has nothing else to say: the speech of the

Laws has entirely convinced him. Then, Socrates concludes, let us act in this way since it is in this way that the god leads. The voice of the Laws seems to be the voice of the gods.

Deeds are more trustworthy than speeches: Socrates did stay in prison, he chose to stay, he had a *logos* telling him to stay. But is this *logos* identical with the *logos* by which he persuades Kriton? We have indicated why this is not likely. There are then two different *logoi* leading to the same conclusion. The *logos* which convinces Socrates would not convince Kriton and vice-versa. Kriton is concerned above all with what the people of Athens will say if he has not helped Socrates to escape from prison: what Socrates tells Kriton, Kriton can and will tell the people.

Hobbes committed a grave exaggeration when he accused Socrates and his followers of being anarchists. The truth underlying that exaggeration is the fact that Socrates did not think that there could be an unqualified duty to obey the laws. But this did not prevent him from thinking, nay, it enabled him to think that the demand for such obedience is a wise rule of thumb as distinguished from an unqualifiedly valid law.